

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

RORY JUSTIN CYPERS, an individual;

Plaintiff,

v.

**BANKCARD CENTRAL LLC, a Texas
limited liability company; PAYMENT
HOLDINGS LLC., a Texas limited liability
company; LARRY DANIELS, an
individual; REV 19 LLC, a Texas limited
liability company; and Does 1 thru 20.**

Defendants.

Case No.: 4:21-cv-00382-ALM

Jury Trial Demanded

**PLAINTIFF'S REQUEST FOR THE COURT TO SELECT THE MEDIATOR AND
REQUEST FOR STATUS CONFERENCE**

Plaintiff Rory Justin Cypers, through his counsel, hereby submit this Request for the Court to Select the Mediator and Request for Status Conference.

A. Request for the Court to Select the Mediator

According to the General Orders 92-16, 14-06 and the Scheduling Order, the Parties are to select a Mediator by January 7, 2022. However, the deadline and case was mistakenly terminated on October 6, 2021. The case was reopened on November 8, 2021 but the deadlines are still terminated. (Exhibit "A"). In light of the deadlines' termination, and the unknown new deadlines, Plaintiff hereby requests the court to select the mediator, if a new deadline is not set at the requested status conference. Plaintiff and his counsel are open to mediation but have not conferred with Defendants or on mediators and their selection.

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B. Request for Status Conference

On October 1, 2021, Kevin Wiley, counsel for Defendant entities PHI-BCC, LLC and Payment Holdings LLC, filed a *Motion To Withdraw As Attorney Of Record* (the “Withdrawal Motion”) [Docket No. 29]. On October 4, 2021, the court issued a Notice of Deficiency that the Withdrawal Motion was missing a Certificate of Conference, and therefore should be disregarded and refiled. However, on October 6, 2021, the action was mistakenly terminated. On November 8, 2021, Plaintiffs’ office noticed the termination in error and contacted the court, Judicial Assistant Terri Scott, who informed Plaintiffs’ office that the case was accidentally terminated. The case was reopened later that day. However, as of this date, counsel for Defendant PHI-BCC, LLC, and Payment Holdings LLC has not corrected their deficiency, and Plaintiff’s counsel is unclear at this point as to the contact person or attorney for these entities.

Given the above, Plaintiff’s counsel requests a status conference to address the current status and to revise the terminated deadlines.

DATED: January 7, 2022.

By:



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Exhibit A

4:21-cv-00382-ALM Cypers v. Bankcard Central LLC et al
 Amos L. Mazzant, III, presiding
Date filed: 05/18/2021
Date of last filing: 11/08/2021

Deadlines/Hearings

Doc. No.	Deadline/Hearing	Event Filed	Due/Set	Satisfied	Terminated
<u>11</u>	🌐 Rule 26 Meeting Report Deadlin	07/14/2021	08/18/2021		10/06/2021
<u>11</u>	🌐 Scheduling Conference	07/14/2021	09/01/2021 at 10:30 AM		08/24/2021
<u>27</u>	🌐 Joinder of Parties Deadline	08/30/2021	10/13/2021		10/06/2021
<u>27</u>	🌐 Amended Pleadings Deadline	08/30/2021	11/24/2021		10/06/2021
<u>27</u>	🌐 Motions Deadline	08/30/2021	12/08/2021		10/06/2021
<u>27</u>	🌐 Designation of Mediator due by	08/30/2021	01/07/2022		10/06/2021
<u>27</u>	🌐 Mediation Completion Deadline	08/30/2021	02/04/2022		10/06/2021
<u>27</u>	🌐 Discovery Deadline	08/30/2021	02/16/2022		10/06/2021
<u>27</u>	🌐 Proposed Pretrial Order DDL	08/30/2021	05/31/2022		10/06/2021
<u>27</u>	🌐 Jury Instructions	08/30/2021	06/16/2022		10/06/2021
<u>27</u>	🌐 Final Pretrial Conference	08/30/2021	06/30/2022 at 09:00 AM		10/06/2021

PACER Service Center			
Transaction Receipt			
01/07/2022 14:17:17			
PACER Login:	tjokeefe:6897272:0	Client Code:	2652.302
Description:	Deadline/Hearings	Search Criteria:	4:21-cv-00382-ALM
Billable Pages:	1	Cost:	0.10

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of **PLAINTIFF'S REQUEST FOR THE COURT TO SELECT THE MEDIATOR AND REQUEST FOR STATUS CONFERENCE** has been served on all counsel of record via the Court's ECF system on January 7, 2022.

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COURTESY COPY TO COURT VIA OVERNIGHT DELIVERY:

Paul Brown United States Courthouse,
Judge Amos L. Mazzant, III
101 East Pecan Street,
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